

D-9

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 13, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Ref: GL 5748  
GL 5833

OAHU

Amend General Lease No. 5748 for Private Noncommercial Pier  
Purposes and Grant of Term Non-exclusive Easement bearing General  
Lease No. 5833 for Boat Ramp Purposes, Stanley K. Kaneshiro, and  
Hilda K. Kaneshiro, Tenants, Kaneohe, Koolaula, Oahu; Tax Map  
Key (1) 4-6-23:50 seaward

BACKGROUND:

Mr. & Mrs. Stanley Kaneshiro (tenant) participated in the Kaneohe  
Bay Piers Amnesty Program and executed the subject documents in 2005.  
Tenant paid \$700 and \$810, being the consideration for the pier lease  
and boat ramp easement respectively.

In April 2006, the private land surveyor hired by the tenant  
advised the staff that the maps and legal descriptions previously  
prepared by him were wrong. As shown on the revised map (Exhibit A),  
the area of pier and boat ramp is greater and located at the corner of  
the property.

According to the private land surveyor, the mistake is a result  
of an error during the survey process, which determined the majority  
of the ramp was located inside the tenant's private property. Staff  
was not aware of the mistake until the private land surveyor brought  
it to the staff's attention.

Meanwhile, a copy of the map used in the subject documents is  
attached as Exhibit B for comparison.

Staff understands the Department of Accounting and General  
Services, Survey Division, typically examines the map and description  
prepared by the private land surveyor as to form and mathematical  
correctness but does not perform a field check. Therefore, the  
mistake was not caught before the execution of the subject documents.

Staff believes what transpired was an honest mistake and that no  
one is trying to circumvent the proper processing of a State land  
disposition. To correct the mistake, staff recommends the Board  
authorize the amendment of General Leases No. 5748 & 5833 by revising  
the area and the consideration payable for the dispositions.

Staff has discussed the approach for calculating the revised consideration with the staff appraiser. He is agreeable to using the same unit value from the executed disposition. Therefore, staff has re-calculated the consideration due. See table below for relevant figures:

	<u>Pier (GL 5748)</u>	<u>Boat Ramp (GL 5833)</u>
Area in documents	34 square feet	32 square feet
Consideration paid	\$700	\$810
Revised Area	37 square feet	229 square feet
Revised Consideration	\$760	\$5,800
Difference	\$60	\$4,990

Pursuant to the Board's action of June 28, 2002, under agenda item D-17 which established criteria for imposing fines for encroachments, staff is recommending a fine of \$500 as the subject encroachment, according to the revised map at Exhibit A, is over 100 square feet.

Therefore, tenant is required to pay \$5,660, which represents the following items:

Additional consideration for GL 5748	\$60
Additional consideration for GL 5833	\$4,990
Fine	\$500
Document Fee (2 x \$30)	\$60
Map Fee (2 x \$25)	\$50
	<u>\$5,660</u>

RECOMMENDATION: That the Board

- A. Authorize the amendment of General Lease No. 5748 and General Lease No. 5833 by:
  1. Replacing the maps and descriptions of the documents; and
  2. Revising the consideration payable for the subject dispositions as noted in the Background Section.
- B. Impose a \$500 fine for illegal encroachment, under Section 171-6(12).
- C. Review and approval by the Department of the Attorney General; and

October 13, 2006

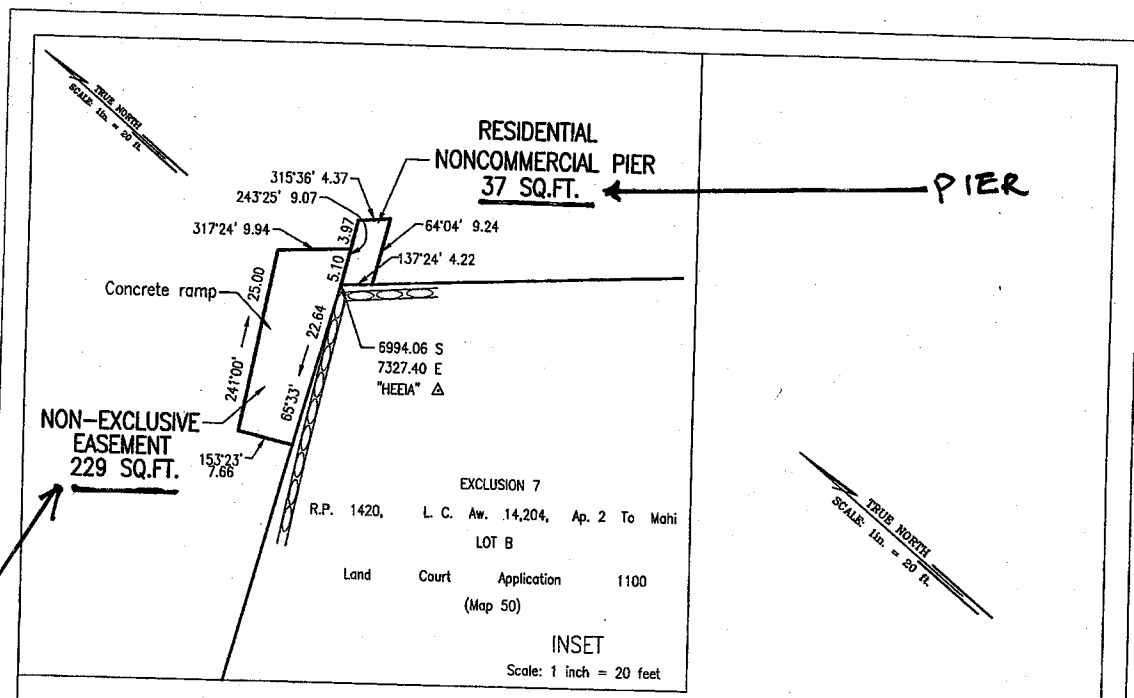
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

*Barry Cheung*  
Barry Cheung  
Land Agent

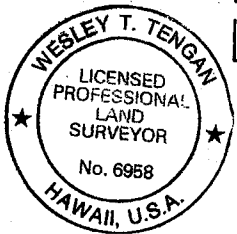
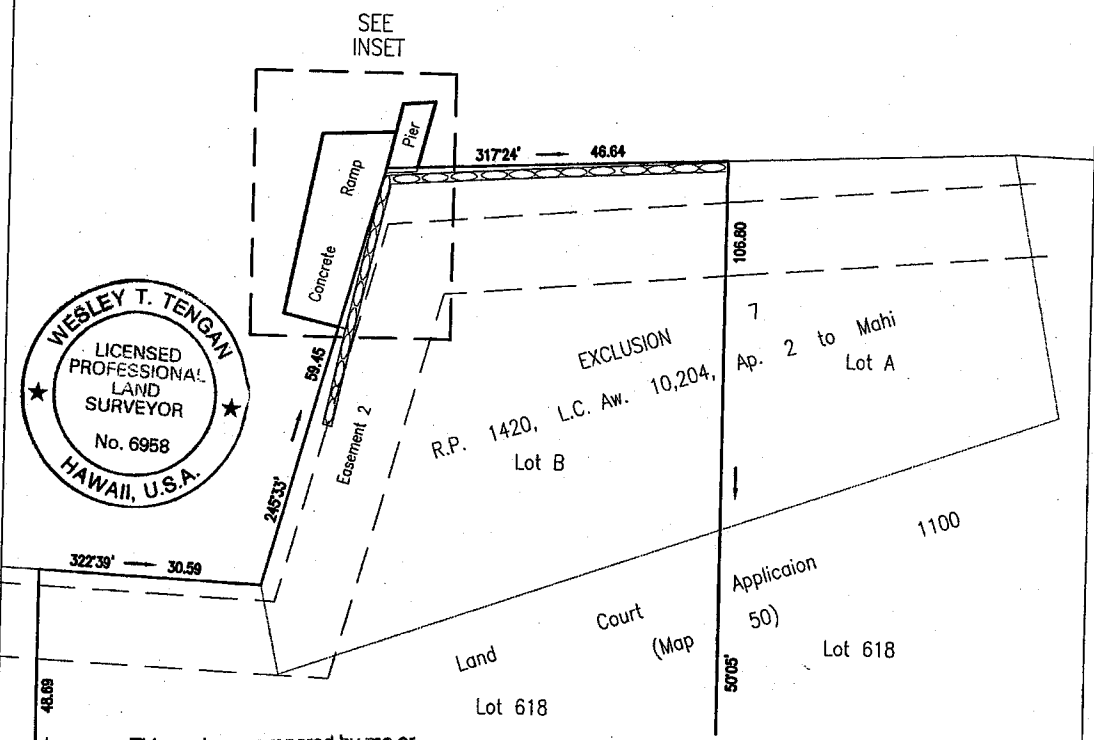
APPROVED FOR SUBMITTAL:

*Peter T. Young*  
Peter T. Young, Chairperson



RAMP

KANEOHE BAY



This work was prepared by me or under my supervision

WESLEY T. TENGAN  
LICENSED PROFESSIONAL LAND SURVEYOR  
Certificate Number 6958

RESIDENTIAL NON-COMMERCIAL PIER AND  
NON-EXCLUSIVE EASEMENT

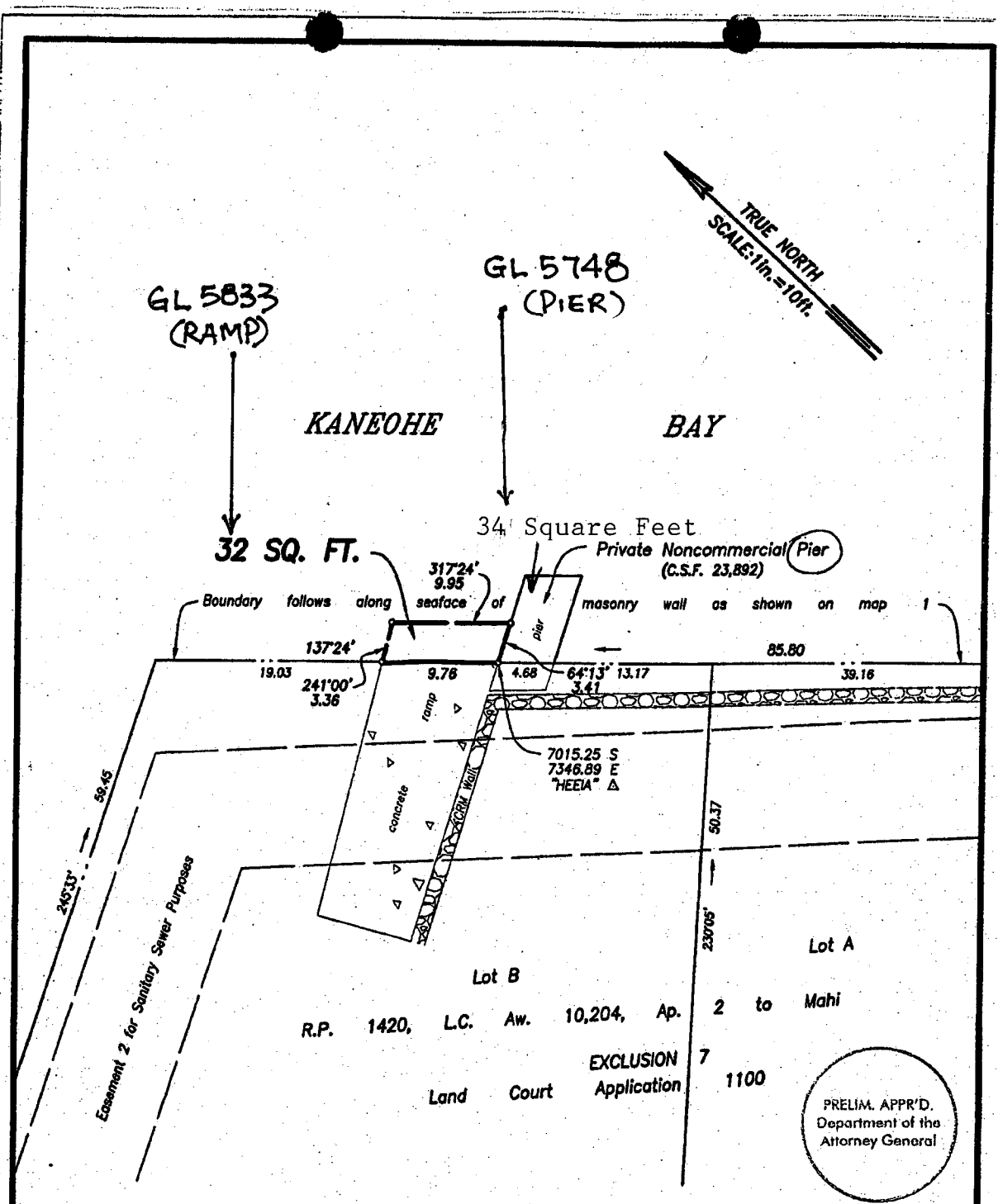
Fronting Lot B, Portion of Exclusion 7  
R.P. 1420, L.C. Aw. 10,204, Ap. 2 to Mahi  
as shown on Map 1 of Land Court Application 1100

Owner: Stanley Kaneshiro  
46-153 Yacht Club Drive

Kaneohe, Koolau-poko, Oahu, Hawaii

TMK: 4-6-23: 50.4

EXHIBIT "A"



# **NON-EXCLUSIVE BOAT RAMP EASEMENT**

**Fronting Exclusion 7 of  
Land Court Application 1100  
Heeia, Kaneohe, Koolaupoko, Oahu, Hawaii**

JOB O-202(04)  
C. BK.

Scale : 1 inch = 10 feet

**REDUCED NOT TO SCALE**

Fronting Parcel 50 of TMK 4-6-23

**SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII**

C.S.F. NO. 23,894

JGL November 8, 2004